

Duke, Daphne

252251

From: Matthew Turner <mpturner@turnerandburney.com>
Sent: Wednesday, August 27, 2014 10:31 AM
To: Dong, Randall; Hudson, Shannon
Cc: Riley, Philip; Melchers, Joseph; Duke, Daphne; 'John Young'; 'Brent Moody'
Subject: RE: Petition of ORS Regarding the City of Laurens, 2013-60-G
Attachments: Ltr to Randall Dong 08-27-14.pdf

Please see attached letter.

Matthew P. Turner | Attorney | Turner & Burney, P.C.

105 W. Public Square

Laurens, SC 29360

p: 864-984-6565 | f: 864-984-5451 | email: mpturner@turnerandburney.com
www.turnerandburney.com

From: Randall.Dong [<mailto:Randall.Dong@psc.sc.gov>]
Sent: Thursday, August 21, 2014 4:23 PM
To: Hudson, Shannon; mpturner@turnerandburney.com
Cc: Philip.Riley; Joseph.Melchers; Daphne.Duke
Subject: Petition of ORS Regarding the City of Laurens, 2013-60-G

Dear Counsel:

As the Hearing Officer in this docket, I am requesting that one or both of you update me as to the status of the pending litigation against the Laurens Commission of Public Works pertaining to the gas line in Fountain Inn. I had been under the impression that the outcome of the litigation may dictate whether the matter before the Commission might be resolved.

In its petition currently pending before the Commission, the ORS has requested that the PSC make a determination as to whether the CPW has exercised reasonable care in addressing this matter. This would require a full evidentiary hearing before the full Commission. Accordingly, I would request that the parties propose a schedule for pre-filing testimony in this matter and that the parties estimate the time needed for hearing the matter so that the hearing may be scheduled.

B. Randall Dong, Staff Counsel
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210
Telephone: (803) 896-5176
Facsimile: (803) 896-5231
Randall.Dong@psc.sc.gov
<http://www.psc.sc.gov>

**TURNER &
BURNEY, PC**
Attorneys at Law

J. Michael Turner, Sr.
Rhett D. Burney
Matthew P. Turner

Reply to:

PO Box 668
Laurens, SC 29360

August 27, 2014

B. Randall Dong, Staff Council
Public Service Commission of SC
101 Executive Center Drive, Ste. 100
Columbia, South Carolina 29210

RE: Petition of ORS
RE: City of Laurens DN 2013-60-G

Dear Mr. Dong:

As requested, I am writing to provide you with an update in this matter. As you are aware, we have a situation of a gas line running underneath the corner of a house ("Hoss") and a warehouse ("Turner") in Fountain Inn. The Turners have filed a lawsuit asking for damages and/or an order requiring the Commission to move the line. The attorneys are in the middle of discovery and I do not anticipate the case ending any time soon. A lawsuit has not been filed in connection with the Hoss' house.

I understand that a Michael Bunting, an inspector with the Office of Regulatory Staff, was deposed last week in the Turner matter. He testified that the Commission is not in violation of any regulation, ordinance, etc. Furthermore, I understand that ORS is satisfied with the Commissions patrolling, inspecting, and testing of the gas lines as detailed in my letter dated July 31, 2014, and therefore agrees that we are exercising reasonable care in this matter. Accordingly, from our perspective, this matter should be resolved by consent and a full hearing is not necessary.

Please let me know if you have any questions regarding this matter

Sincerely,



Matthew Turner
MPT/ljf

CC: Shannon Bowyer Hudson, Esquire
John Young (via email)
Brent Moody (via email)

Laurens | Simpsonville
105 W. Public Square, Laurens, South Carolina 29360 • 864-984-6565 Phone • 864-984-5451 Fax
628 NE Main Street, Simpsonville, South Carolina 29681 • 864-228-1616 Phone • 864-228-6722 Fax
www.turnerandburney.com

Duke, Daphne

From: Hudson, Shannon
Sent: Wednesday, August 27, 2014 9:09 AM
To: Dong, Randall; mpturner@turnerandburney.com
Cc: Riley, Philip; Melchers, Joseph; Duke, Daphne
Subject: RE: Petition of ORS Regarding the City of Laurens, 2013-60-G

Randall,

ORS is not a party to litigation against LCPW, so we are not in a position to provide a status update.

With respect to this matter before the Commission, ORS is flexible on a schedule for pre-filing testimony, and I suggest holding a day for the hearing; however, it would obviously depend on the number of witnesses and intervenors.

Best regards,
Shannon

Shannon Bowyer Hudson, Esquire
Legal Department
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
<http://www.regulatorystaff.sc.gov/>
E-mail: shudson@regstaff.sc.gov
Tel.: 803.737.0889
Fax.: 803.737.0895

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